

## **Appendix A**

### **Storage Needs to Supplement Natural Flow Water Rights**



The purpose of the water service contracts is to provide for storage and delivery of water to supplement the natural flow water rights held by the following irrigation organizations:

1. Ballentyne Ditch Company, Ltd. (BDC)
2. Boise City Canal Company (BCCC)
3. Boise Valley Irrigation Ditch Company (BVIDC)
4. Canyon County Water Company (CCWC)
5. Capital View Irrigation District (CVID)<sup>1</sup>
6. Eagle Island Water Users Association (EIWUA)<sup>2</sup>
7. Eureka Water Company (EWC)
8. Farmers Union Ditch Company (FUDC)
9. Little Pioneer Ditch Company (LPDC)
10. Middleton Mill Ditch Company (MMDC)
11. Middleton Irrigation Association (MIA)
12. New Dry Creek Ditch Company (NDCDC)
13. New Union Ditch Company (NUDC)
14. Pioneer Irrigation District (PID)
15. Settlers Irrigation District (SID)
16. South Boise Mutual Canal Company (SBMCC)<sup>3</sup>
17. South Boise Water Company (SBWC)
18. Thurman Mill Ditch Company (TMDC)
19. Village of Garden City (GC)

Each of these organizations owns natural flow water rights that are defined by a decree issued by district court Judge George H. Stewart on January 18, 1906 in *Farmers Cooperative Ditch Company v. Riverside Irrigation District, et al.* Since that time, the

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<sup>1</sup> The contract formerly held by Capital View Irrigation District was assigned to United Water Idaho for irrigation use.

<sup>2</sup> The Eagle Island Water Users Association consists of the following canal companies: Conway & Hamming, Graham & Gilbert, Hart & Davis, Mace Catlin, Mace & Mace, Seven Suckers, Thomas Aikin, and Warm Springs Ditch.

<sup>3</sup> The contract formerly held by South Boise Mutual Canal Company was assigned to United Water Idaho for irrigation use.

decree has been referred to as the “Stewart Decree.” Pioneer Irrigation District and Settlers Irrigation District also own natural flow water rights that are defined by a subsequent decree issued by district court Judge E. L. Bryan on February 14, 1929 in *Pioneer Irrigation District v American Ditch Association*, et al, known as the “Bryan Decree.” All water rights decreed in the Bryan Decree are junior in priority to water rights decreed in the Stewart Decree. These are the Stewart and Bryan decrees referred to in Reclamation’s permit application to store water in Lucky Peak Reservoir.

On May 31, 1919, Judge Bryan issued a continuing order, which is still in effect, providing for the distribution of water from the Boise River as follows:

The various rights, as adjudicated in the so-called ‘Stewart Decree,’ shall receive 100 percent, until the natural flow of the waters of the Boise River shall decrease, until all the rights in said decree cannot receive 100 percent, at which time the various rights as adjudicated in the so-called ‘Stewart Decree’ shall first be cut to 75 percent of the amount of water decreed by the ‘Stewart Decree’ as the natural flow of the Boise River decreases, beginning with the latest right and proceeding to the earliest rights in the order fixed in said ‘Stewart Decree,’ and after all of the rights shall have been reduced to 75 percent of the amount fixed in the ‘Stewart Decree,’ should the natural flow of the waters of the Boise River decrease below the amount necessary to supply said 75 percent of the water rights as decreed in said ‘Stewart Decree,’ then the various rights beginning with the latest and proceeding to the earliest, as aforesaid, shall be reduced to 60 percent of the amount specified in the ‘Stewart Decree,’ . . .

All natural flow water rights defined by the Stewart and Bryan Decrees continue to be distributed by the Watermaster for Water District 63 according Judge Bryan’s May 31, 1919 continuing order. Every year, delivery of all Stewart and Bryan decree rights is reduced to 75 percent by the beginning of July, and to 60 percent by the middle of August. During 1992, all natural flow water rights with priorities of 1869 and later were totally curtailed by July 28<sup>th</sup>.

The following data quantify the storage needed to replace the loss of natural flow in terms of the dates on which natural flow water rights were reduced to 75 percent and 60 percent and finally curtailed to 300 during 1992, one of the lowest water years on record, with runoff of only 41 percent of normal. The data compares this storage need to the storage held by the contractors in Lucky Peak, Anderson Ranch and Arrowrock Reservoirs. Natural flow water rights are identified by quantity and priority (those with priority dates of 1868 and earlier, and those with priority dates of 1869 and later). The actual shortfall during a year such as 1992 is greater because most of the contractors’ storage space will not fill. This data does not show the total shortfall for the more junior rights that were reduced earlier than June 1<sup>st</sup>, June 8<sup>th</sup> and August 15th, and it therefore understates the aggregate shortfall and need. The conversion from flow rate in cubic feet per second (cfs) to volume in acre feet (ac-ft) is 1 cfs = 1.9835 af per day.

			All Rights 25% Need	1869 40% Need	1869 100% Need	1868 40% Need				
			Natural Flow Rights	6/1-6/7 7 days	6/8-7/27 50 days	7/28-10/15 79 days	6/8-10/15 129 days	Total '92 Need	L.P. Storage	Shortfall
1.	BDC	(69)	15.3526 cfs	53.29 af	609.04 af	2,405.71 af		3,068.04 af	1,300 af	1,768.04 af
2.	BCCC	(68)	34.838 cfs	120.93 af			3,565.63 af	3,686.56 af	1,000 af	2,686.56 af
3.	BVIDC	(68)	51.81 cfs	179.84 af			5,302.69 af	5,482.53 af	2,500 af	2,982.53 af
4.	CCWC	(68)	79.37 cfs	275.50 af			8,123.42 af	8,398.92 af		
		(69)	1.00 cfs	3.74 af	24.79 af	156.70 af		184.96 af		
				80.37 cfs				8,583.88 af	6,000 af	2,583.88 af
5.	CVID								300 af	
6.	Davis	(69)	13.94 cfs	48.39 af	1,382.50 af	2,184.36 af		3,615.25 af	1,500 af	2,115.25 af
7.	EIWUA	(68)	8.358 cfs	29.01 af			855.43 af	884.44 af		
		(69)	37.392 cfs	129.79 af	1,483.84 af	5,859.21 af		7,472.84 af		
				45.75 cfs				8,357.28 af	1,718 af	6,639.28 af
8.	EWC	(68)	33.32 cfs	115.66 af			3,410.26 af	3,525.92 af	2,800 af	725.92 af
9.	FUDC	(68)	25.2855 cfs	87.77 af			2,587.94 af	2,675.71 af		
		(69)	168.014 cfs	583.20 af	6,665.12 af	26,327.29 af		33,575.61 af		
				193.2995 cfs				36,251.32 af	10,000 af	26,251.32 af
10.	LPDC	(68)	25.72 cfs	89.28 af			2,632.41 af	2,721.61 af		
		(69)	1.10 cfs	3.82 af	43.64 af	172.37 af		219.83 af		
				26.82 cfs				2,941.52 af	500 af	2,441.52 af
11.	MMCC	(68)	15.71 cfs	54.53 af			1,607.90 af	1,662.43 af		
		(69)	48.852 cfs	169.57 af	1,937.96 af	7,654.96 af		9,762.49 af		
				64.562 cfs				11,424.92 af	4,620 af	6,804.92 af
12.	MMID	(68)	3.28 cfs	11.39 af			335.47 af	346.86 af		
		(69)	109.51 cfs	380.12 af	4,344.26 af	17,159.89 af		21,884.27 af		
				112.79 cfs				22,231.13 af	6,380 af	15,851.13 af
13.	NDCDC	(68)	13.34 cfs	46.30 af			1,365.33 af	1,411.63 af		
		(69)	48.7442 cfs	169.20 af	1,933.68 af	7,638.07 af		9,740.95 af		

		All Rights 25% Need		1869 40% Need	1869 100% Need	1868 40% Need			
		Natural Flow Rights	6/1-6/7 7 days	6/8-7/27 50 days	7/28-10/15 79 days	6/8-10/15 129 days	Total '92 Need	L.P. Storage	Shortfall
		62,0842 cfs					11,152.58 af	3,000 af	8,152.58 af
14.	NUDC	(68) 13.76 cfs	47.76 af			1,408.32 af	1,456.08 af	1,400 af	56.08 af
15.	PID	(68) 21.715 cfs	75.38 af			2,222.50 af	2,297.88 af		
		(69) 670.50 cfs	2,327.39 af	26,598.73 af	105,065.33 af		133,991.45 af		
		692.215 cfs					136,289.33 af	16,000 af	120,289.33 af
16.	SID	(68) 11.323 cfs	39.30 af			1,158.90 af	1,198.20 af		
		(69) 175.47 cfs	609.08 af	6,960.89 af	27,495.62 af		35,065.59 af		
		186.793 cfs					36,263.79 af	10,000 af	26,263.79 af
17.	SBMCC	(68) 2.3 cfs	7.98 af			235.40 af	243.38 af		
		(69) 14.61 cfs	50.71 af	579.58 af	2,289.34 af		2,919.63 af		
		16.91 cfs					3,163.01 af	500 af	2,663.01 af
18.	SBWC	(68) 9.93 cfs	34.47 af			1,106.32 af	1,140.79 af	700 af	440.79 af
19.	TMDC	(68) 20.038 cfs	69.55 af			2,050.87 af	2,120.42 af		
		(69) 14.80 cfs	51.37 af	587.12 af	2,319.12 af		2,957.61 af		
		34.838 cfs					5,078.03 af	800 af	4,278.03 af
		1,689.37 cfs	5,864.05 af	53,151.15 af	206,727.97 af	37,968.79 af	303,711.96 af	71,018 af	232,693.96 af

*LUCKY PEAK CONTRACTORS WITH OTHER STORAGE*  
**(from Water District 63 1999 Water Delivery Report, p. 43)**

	<u>Arrowrock</u>	<u>Anderson</u>	<u>Lucky Peak</u>	<u>Total</u>
1. BDC		376 af	1,300 af	1,676 af
3. BVIDC		961 af	2,500 af	3,461 af
5. CVID		460 af	300 af	760 af
9. FUDC	2,874 af	5,272 af	10,000 af	18,146 af
10. LPDC		2,174 af	500 af	2,674 af
13. NDCDC		1,296 af	3,000 af	4,296 af
15. PID	21,018 af	25,582 af	16,000 af	62,600 af
16. SID	2,878 af	6,082 af	10,000 af	18,960 af
17. SBMCC	<u>      </u>	<u>543 af</u>	<u>500 af</u>	<u>1,043 af</u>
	26,770 af	42,746 af	44,100 af	113,616 af

Total Aggregate Storage: Lucky Peak 71,018 af  
 Anderson 42,746 af  
 Arrowrock 26,770 af  
 140,534 af

Total Aggregate Shortfall: 303,711.96 af - 140,534 af = 163,177.96 af



## **Appendix B**

### **Distribution List for the Draft EA**



## **Local Govts./Agencies**

Ms. Donna M. Griffin  
Ada County Parks & Waterways  
4049 S. Eckert Road  
Boise ID 83706

Board of Ada County  
Commissioners  
650 W. Main  
Boise ID 83702

Mr. Robbin Finch  
City of Boise, Environmental  
Division-Water Quality  
PO Box 500  
Boise ID 83701-0500

Ada County Planning & Zoning  
650 W. Main  
Boise ID 83702

Mr. James R. Hall  
Director  
Boise Parks and Recreation  
1104 Royal Blvd.  
Boise ID 83706

Ms. Sally Goodell  
Community Planning Association  
Of Southwest Idaho  
800 S. Industry Way  
Meridian ID 83642

Mr. Brent Cornwall  
Ada County Sheriff's Dept.  
7200 Barrister Drive  
Boise ID 83704

Honorable Carolyn Terteling-Payne  
Mayor-City of Boise  
650 Main  
Boise ID 83702

Honorable Garret Nancolas  
Mayor-City of Caldwell  
621 Cleveland Blvd.  
Caldwell ID 83605

Honorable Tom Dale  
Mayor-City of Nampa  
411 3<sup>rd</sup> Street South  
Nampa ID 83651

Honorable Robert Corrie  
Mayor-City of Meridian  
City Hall, 33 East Idaho Ave  
Meridian ID 83642

Honorable Rick Yzaguirre  
PO Box 520  
Eagle ID 83616

Honorable Craig Nelson  
Mayor-City of Kuna  
329 W 3rd  
Kuna ID 83634

## **State Govt./Agencies**

Mr. Lee Sisco  
District 63 Watermaster  
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Statehouse Mail  
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Boise ID 83701

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Idaho State Dept of Agriculture  
PO Box 790  
Boise ID 83701-0790

Mr. Rick Collignon  
Director  
Idaho State Parks & Recreation  
PO Box 83720  
Boise ID 83720

Mr. Chris Hoosick  
Lucky Peak State Park  
9725 E. Highway 21  
Boise ID 83716

Mr. Al Van Vooren  
Lucky Peak Power Plant Project  
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1301 North Orchard  
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Mr. Eric Leitzinger  
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Mr. Terry Wickstrom  
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Mr. Barry Eschen  
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Ms. Bonnie DeChambeau  
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Assoc.  
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Ketchum ID 83340

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Wilderness Ranch Owners Assoc Inc  
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Fort Hall Business Council  
Shoshone-Bannock Tribes  
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Burns OR 97720-9303

General Manager  
Burns Paiute Tribes  
HC71, 100 Pasigo Street  
Burns OR 97720-9303

## **Libraries**

Boise Public Library  
715 Capital Blvd  
Boise ID 83702

Caldwell Public Library  
1010 Dearborn Street  
Caldwell ID 83605

Idaho State Library  
325 West State Street  
Boise ID 83702

Nampa Public Library  
11th Ave  
Nampa ID 83651

Meridian Public Library  
1326 West Cherry Lane  
Meridian ID 83642

### **Congressional Delegation**

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Member, United States House of  
Representatives  
304 N 8th St, Room 454  
Boise ID 83702

Honorable Mike Simpson  
Member, United States House of  
Representatives  
304 N. 8th Street, Rm. 325  
Boise ID 83702

Honorable Larry E. Craig  
United States Senator  
304 N. 8th St., Rm. 149  
Boise ID 83702

Honorable Mike Crapo  
United States Senator  
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Boise ID 83702

### **State Legislators**

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Idaho House-Chair, Agriculture  
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Filer ID 83328

Mr. Jack Barraclough  
Idaho House-Chair, Environmental Affairs  
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Idaho Falls ID 83402

Mr. Ric Branch  
Idaho House-Chair Agriculture Affairs  
3770 N Crane Road  
Midvale ID 83645

Mr. Grant Ipsen  
Idaho Senate-Chair Health & Welfare  
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Boise ID 83706

Mr. Jerry Thorne  
Idaho State-Chair  
Local Government & Taxation  
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Nampa ID 83651

Mr. Laird Noh  
Idaho Senate-Chair  
Resources & Environmental  
3442 Addison Ave E  
Kimberly ID 83341

Mr. Dean L. Cameron  
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Mr. Cameron Wheeler  
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Resources & Conservation  
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